

## Board Members

Maryann Santos de Barona, Ph.D.  
Chairperson  
James J. Cox, Ed.D.  
Vice-Chairperson  
Joseph C. Donaldson  
Secretary  
Wil R. Counts, Ph.D.  
Miki Paul, Ph.D.  
Byron N. Rimm  
Michael J. Rohrbaugh, Ph.D.  
David P. Yandell, Ph.D.  
Vacant – Public Member



## State of Arizona Board of Psychologist Examiners

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## Staff

Maxine McCarthy  
Executive Director  
Marcus E. Harvey  
Deputy Director  
David S. Shapiro  
Investigator  
Shari S. Courtney  
Administrative  
Assistant

## REGULAR SESSION MINUTES

**Friday, August 6, 2004**

1400 West Washington  
Basement Conference Room, #B-1  
Phoenix, AZ 85007

### 1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Santos de Barona at 8:35 a.m. on Friday, August 6, 2004. One Executive Session was held from 1:50 p.m. to 2:02 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

### 2. ROLL CALL

#### Board Members Present

Maryann Santos de Barona, Ph.D. - Chairperson  
James J. Cox, Ed.D. - Vice-Chairperson  
Joseph Donaldson - Secretary  
Wil R. Counts, Ph.D.  
David P. Yandell, Ph.D.

#### Staff Present

Maxine McCarthy, Executive Director  
Marcus Harvey, Deputy Director  
David Shapiro, Investigator  
Shari Courtney, Administrative Assistant

#### Board Members Absent<sup>1</sup>

Miki Paul, Ph.D.  
Byron N. Rimm  
Michael J. Rohrbaugh, Ph.D.

#### Attorney General's Office

Nancy J. Beck, J.D.  
Assistant Attorney General

### 3. REMARKS/ANNOUNCEMENTS

Dr. Santos de Barona announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. She also stated that anyone was welcome to complete a Board meeting assessment survey. Finally, she announced that Manuel Delgado, J.D. had resigned from the Board as a public member due to an increase in his professional workload.

### 4. APPROVAL OF MINUTES

#### • Regular Session – June 4, 2004

A motion was made by Mr. Donaldson, seconded by Dr. Cox, and unanimously carried (5-0), to approve the June 4, 2004 Regular Session minutes.

<sup>1</sup> With the resignation of Manuel Delgado, Jr., J.D., there was a vacancy on the Board for a public member position.

- **Executive Session – June 4, 2004**

A motion was made by Mr. Donaldson, seconded by Dr. Cox, and unanimously carried (5-0), to approve the June 4, 2004 Executive Session minutes.

- **Conference Call Regular Session – June 18, 2004**

A motion was made by Dr. Cox, seconded by Dr. Counts, and carried (3-0-2), with Dr. Yandell and Mr. Donaldson abstaining from the vote, to approve the June 18, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – June 24, 2004**

Dr. Cox then made a motion, seconded by Dr. Counts, and carried (3-0-2), with Dr. Yandell and Mr. Donaldson abstaining from the vote, to approve the June 24, 2004 Conference Call Regular Session minutes.

- **Conference Call Regular Session – July 2, 2004**

Finally, Dr. Cox made a motion, seconded by Dr. Yandell, and carried (4-0-1), with Mr. Donaldson abstaining from the vote, to approve the July 2, 2004 Conference Call Regular Session minutes.

**5. CALL TO THE PUBLIC**

Chairperson Santos de Barona gave the public the opportunity to address the Board at this time. Dr. Clinton Gardner, President of Argosy University Phoenix, addressed the Board regarding agenda item #20. He explained that Argosy University had addressed the problems the Board had found with their transcripts, and he requested that the Board not contact the various national organizations that Staff was previously directed to notify.

**6. INFORMAL INTERVIEW – WALTER E. FIDLER, Ph.D. – No. 04-11**

Dr. Santos de Barona stated that it was the time and place for the informal interview of Walter E. Fidler, Ph.D., regarding Case No. 04-11. Dr. Fidler was present with his attorney, Stephen Myers, J.D., who introduced themselves, as did Board members and Staff. Nancy Beck, J.D., Assistant Attorney General, was also present as legal counsel for the Board. Dr. Yandell acknowledged that Mr. Myers had requested that he recuse himself. Dr. Yandell stated that he did not feel the need to recuse and that he could decide the case based on the evidence presented, as always. David Shapiro, Board Investigator, summarized the allegations for the Board. Dr. Fidler was sworn in by the court reporter, whose transcript shall serve as the official record of the proceeding. Board members then proceeded to interview Dr. Fidler.

The Complaint then addressed the Board after being sworn in by the court reporter. Board members asked questions of the Complaint, after which Dr. Fidler and his attorney made a statement to the Board. After a recess for lunch, Board members asked additional questions of the Complainant and Dr. Fidler. Mr. Myers then made closing remarks to the Board, and Board members proceeded to deliberate. A motion was made by Mr. Donaldson, seconded by Dr. Cox, and unanimously carried (5-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. Dr. Cox made a motion, seconded by Dr. Yandell, and unanimously carried (5-0), to find Dr. Fidler in violation of A.R.S. § 32-2061(A)(13)(h), (j), (o), (y), and (bb). Ms. Beck was asked to prepare findings of fact from the transcript of the day's discussion and to present it to the Board at the next Board meeting. It was the consensus of the Board to continue this informal interview to the next Board meeting where it would review the findings of fact that would be prepared and adopt conclusions of law and a disciplinary order.

## 7. CASE DISCUSSION/DECISION

### a) **Karen R. Sullivan, Psy.D. – No. 04-14**

Mr. Shapiro summarized the allegations after which Dr. Karen Sullivan, who was present with her attorney, Larry Cohen, made a statement to the Board. The Complainant then also addressed the Board after which Board members proceeded to deliberate. Dr. Yandell made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to dismiss the case because it was without merit.

### b) **Wayne R. General, Ph.D. – No. 04-20**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Counts made a motion, seconded by Dr. Yandell, and unanimously carried (5-0), to dismiss the case because it was without merit.

### c) **H. Eugene Evans, Ph.D. – No. 04-21**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Counts made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to issue a letter of concern to Dr. Evans, expressing the Board's concern that he failed to sufficiently assess the domestic violence potential regarding Mr. and Mrs. G and minimized the damage that could have occurred.

### d) **David E. Leighton, Ph.D. – No. 04-23**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by Mr. Donaldson, and unanimously carried (5-0), to issue a letter of concern, expressing the Board's concerns that Dr. Leighton sent a bill to collections without having provided an adequate explanation of his billing practices and how he handles missed appointments. The Board stated that the letter of concern should also urge Dr. Leighton to consider modifying his practice to develop an informed consent procedure that clearly explains how billings, collections, and missed appointments will be handled to comply with HIPAA regulations.

### e) **Dennis E. Broadbent, Ph.D. – No. 04-26**

Mr. Shapiro summarized the allegations for the Board. The Complainant was present and addressed the Board. Dr. Dennis Broadbent also addressed the Board after which Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by Dr. Cox, and unanimously carried (5-0), to dismiss the case because it was without merit.

### f) **David E. Pool, Psy.D. – No. 04-27**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Cox, seconded by Dr. Counts, and unanimously carried (5-0), to invite Dr. Pool to an informal interview to address the following allegations:

- His records were inadequate;
- He failed to provide to the Board a written response to the complaint and disregarded a Board subpoena to provide a typewritten verbatim copy of his records;
- His informed consent form refers to insurance companies for which he is not a provider, and is set up in a way which results in overpayment to him;
- Contrary to his informed consent form, he did not offer a reduced rate to the complainant who paid in full for his service;
- His office staff provided incorrect information to clients;
- He misused and misinterpreted the tests for P.Y.;
- His report failed to address incidents of inter-test and intra-test discrepancies;
- His report did not address the reason for which P.Y. was evaluated;
- His report concerning P.Y. fell below the standard as there was insufficient evidence to support the diagnosis of autism;

- His use of abbreviations and acronyms without any explanations made his report difficult or impossible for the mother and school officials to understand;
- There is no evidence that a risk assessment for suicidality was conducted;
- He billed for family therapy when none was conducted;
- He failed to give the complainant a receipt for her payment; and
- He failed to respond to numerous requests from the mother for resolution of this matter.

Dr. Yandell then made a motion seconded by Dr. Counts, and unanimously carried (5-0), that these allegations, if true, would be violations of A.R.S. § 32-2061(A)(13)(a), (c), (h), (o), (p), and (bb)

**g) Holliday B. Milby, Ph.D. – No. 04-28**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Santos de Barona made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to offer Dr. Milby a consent agreement, finding her in violation of A.R.S. § 32-2061(A)(13)(g) and (o), and agreeing that she will not administer any psychological assessment instruments until she has successfully completed nine hours of graduate-level coursework in individualized psychological assessment, interpretation and report writing and to not conduct any testing for which she has not undergone formal training, such as a professional seminar or graduate level course. Dr. Santos de Barona then made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to invite Dr. Milby in for an informal interview if she refuses to sign the consent agreement.

**h) J'Anne D. Ellsworth, Ph.D. – No. 04-29**

Mr. Shapiro summarized the allegations for the Board. Dr. Ellsworth made a statement to the Board, after which Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by Dr. Yandell, and unanimously carried (5-0), to dismiss the case because it was without merit.

**i) Javier F. Perez, Ph.D. – No. 04-30**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Santos de Barona made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0), to dismiss the case because it was without merit.

The following Cases were ongoing and were not discussed at this meeting:

**William T. Beaver, Ph.D. – No. 04-13**

**Maureen K. Lassen, Ph.D. – No. 04-19**

**Royce Holyoak, Ph.D. – No. 04-24**

**Kenneth J. Goldberg, Ed.D. – No. 04-31**

**Janet E. Harrell, Ph.D. – No. 04-32**

**8. DISCUSSION/DECISION REGARDING COUNTER-PROPOSAL TO BOARD'S PROPOSED CONSENT AGREEMENT – JAY HEISLER, Ph.D. – No. 04-25**

Marc Givhan, J.D., attorney for Dr. Jay Heisler, addressed the Board via telephone regarding his counterproposal to the Board's proposed consent agreement. Ms. Beck asked Mr. Givhan to clarify whether or not he agreed to the proposed findings of fact and conclusions of law. Mr. Givhan discussed the changes with the Board, and Board members deliberated concerning the proposed changes. Dr. Counts made a motion, seconded by Dr. Yandell, which was later withdrawn that the Board accept the findings of fact as written, changing the conclusions of law to remove the word "fraudulent" from the citation of A.R.S. § 32-2061(A)(13)(j), and to substitute a decree of censure for the surrender of license. Dr. Counts then made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to accept Dr. Heisler's counterproposal to the proposed consent agreement, which accepted the findings of fact and conclusions of law as originally proposed, and substituted a decree of censure for surrender of licensure.

**9. INFORMAL INTERVIEW – DAVID E. POOL, Psy.D. – No. 04-22**

Dr. Santos de Barona stated that it was the time and place for the informal interview of Dr. David Pool, regarding Case No. 04-22. Dr. Pool introduced himself, as did Board members and Staff. Ms. Beck was also present as legal counsel for the Board. Dr. Pool was then sworn in by the court reporter, whose transcript shall serve as the official record of the proceeding. Board members then proceeded to interview Dr. Pool. Dr. Cox made a motion, seconded by Dr. Yandell, and unanimously carried (5-0), to find Dr. Pool in violation of A.R.S. § 32-2061(A)(13)(o). Dr. Santos de Barona then made a motion, seconded by Dr. Cox, and unanimously carried (5-0), to adopt findings of facts as previously proposed in the consent agreement, adding a number 11, that the current standard of practice would require that a psychologist return the money in a more timely manner, which would not exceed 30 days. Dr. Santos de Barona then made a motion, seconded by Dr. Counts, and unanimously carried (5-0), ordering Dr. Pool to pay the civil penalty of \$720 within 30 days.

**10. DISCUSSION REGARDING EVALUATION/DECISION – PETER M. YOUNG, IV, Ph.D. – No. 04-18**

Dr. Santos de Barona reminded the Board that it had received Dr. Ralph Earle's evaluation report, along with a set of recommendations, which the Board had requested prior to its informal interview of Dr. Peter Young. After some discussion, Dr. Yandell made a motion, seconded by Dr. Santos de Barona, and unanimously carried (5-0), to invite Dr. Young to an informal interview to address allegations that in connection with his duties as a Clinical Psychologist in the United States Air Force:

- He was not completing many of his intake assessments at the initial appointment;
- He interjected his personal beliefs and personal problems into his patient therapeutic treatments;
- In some cases, clinical issues were missed or not fully attended to because of his Christian treatment approach and may have compromised patient safety;
- His personal issues had a negative impact on his ability to practice and on his ability to supervise his junior psychologist which compromised patient care due to delinquent documentation; and
- He inappropriately disclosed personal information to subordinates and patients.

These allegations, if true, would constitute violations of A.R.S. § 32-2061(A)(13)(l), (o) and possibly (n).

**11. DISCUSSION/DECISION REGARDING CORRESPONDENCE RECEIVED FROM A.M. ON JUNE 14, 2004 AND JULY 13, 2004 CONCERNING VALARIE HANNEMANN, Ph.D.**

This item was tabled to a future meeting.

**12. DISCUSSION/DECISION REGARDING PROPOSED RULE R4-26-207(B)(2) AND ESTABLISHING AN IMPLEMENTATION DATE (Obtaining CE in areas of child abuse and domestic violence)**

This item was tabled to a future meeting.

**13. DISCUSSION/DECISION REGARDING INTRODUCTION OF LEGISLATION IN 2005 SESSION**

This item was tabled to a future meeting.

**14. DISCUSSION/DECISION REGARDING PROPOSAL FROM TASK FORCE ON COMPLAINT PROCESS – Moving from Informal Interview to Dismissal or Formal Hearing**

This item was tabled to a future meeting.

15. **DISCUSSION/DECISION REGARDING SELECTION OF A DELEGATE TO ATTEND THE ASPPB ANNUAL MEETING IN ATLANTA ON OCTOBER 20-23, 2004**

This item was tabled to a future meeting.

16. **COUNSEL REPORTS**

• **Litigation – Discussion/Decision Regarding:**

- ❖ **Board v. McDonald – 1CA – CV02 – 0518**
- ❖ **Kalas v. Board – CV2004-0200**
- ❖ **Stapert v. Board – LC2003-00640-001DT**

This portion of Ms. Beck's report was tabled to a future meeting.

- **Legal Advice Regarding Board Meeting Procedures** – Ms. Beck advised the Board that the lead Board member's role is not to act as a consultant and should not seek information from Board staff that is not available to other Board members. The lead Board member should address the key points of the discussion, Ms. Beck opined, and then resume the role of a normal Board member.

17. **EXECUTIVE DIRECTOR'S REPORT**

- **Financial** – Maxine McCarthy, Executive Director, reported that although the State's fiscal year ended on June 30<sup>th</sup>, she did not yet have the final figures from DOA Accounting but that the Board would be closing Fiscal Year 2004 having spent only approximately 82% or \$266,900 of the Board's \$319,900 appropriation. The unexpended funds revert back to the Board's reserve fund balance, she stated. Ms. McCarthy noted that her practice is to spend conservatively in order to have funds available for any formal hearings that may occur during the fiscal year.

Ms. McCarthy then reminded the Board that as the new fiscal year began, the Board's budget parameters allow each Board member to claim one day per diem for each day of attendance at Board meetings and one additional day for preparation for each meeting. Finally, she reported that during the month of August that she would be working on the Board's budget request, which must be submitted to the Governor's Office on September 1<sup>st</sup>.

18. **LICENSING REPORT**

- **New Licenses Issued** – Mr. Harvey reported that the Board had licensed the following thirteen psychologists since the June 4, 2004 meeting, two of them by credential:

3643	Abigail Atkins, Ed.D.	3650	Kristin Kirlin, Ph.D.
3644	Luz Mogrovejo, Ph.D.	3651	Ara Schmitt, Ph.D.
3645	Michael Rabara, Psy.D.	3652	Heather Aidala, Psy.D.
3646	Phillip Potter, Ph.D.	3653	Craig Rypma, Ph.D.
3647	Robert Darden, Ph.D.	3654	Christina Van Puymbroeck, Ph.D.
3648	Daniel McDonnell, Ph.D.	3655	Jennifer Ostrom, Ph.D.
3649	Laura Huser, Ph.D.		

Mr. Harvey reported that the Board had issued 38 new licenses this year, which compared to 48 licenses issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following eight applicants passed the Examination for Professional Practice in Psychology in May and June, with two failing:

<b>Pass</b>	
Heather Aidala, Psy.D.	Daniel McDonnell, Ph.D.
Robert Darden, Ph.D.	Jennifer Ostrom, Ph.D.
Laura Huser, Ph.D.	Ara Schmitt, Ph.D.
Kristin Kirlin, Ph.D.	Christina Van Puymbroeck, Ph.D.

**Fail**

Kimberly Carroll, Psy.D.  
Daniel Kruger, Ph.D.

- **New Applications** – Mr. Harvey stated that the Board had received 18 new applications and one re-application over the past two months. In all, the Board had received 51 applications this year, which compared to 53 applications received by this time last year.

Finally, Mr. Harvey reported that the application of **Christopher Wylie, Ed.D.** was administratively closed for failing to provide the missing documentation within 240 days, as required by A.A.C. R4-26-208.

**19. COMMITTEE REPORTS – DISCUSSION/DECISION**

- **APPLICATIONS REVIEW COMMITTEE**

- **REQUESTS TO SIT FOR EPPP & LICENSURE**

Dr. Cox made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice in Psychology, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- **Anne Dorre, Ph.D.**
- **Suzanne Griffin, Psy.D.**
- **Aamer Khan, Psy.D.**
- **Ronald Miller, Psy.D.**
- **Deborah Partington, Psy.D.**

Dr. Cox then made a motion, seconded by Dr. Counts, and unanimously carried (5-0), that **Robyn Kervick, Ph.D.**, pending receipt of an updated transcript showing she was awarded a doctoral degree in psychology, and having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice in Psychology, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee.

- **REQUESTS FOR LICENSURE BY EXEMPTION FROM EPPP**

Dr. Cox then made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0), that the following applicants, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee:

- **Brady Dalton, Psy.D.**
- **Kimberly Gregson, Psy.D.**
- **Marina Lantsman-Waugh, Ph.D.**
- **Brian Ramirez, Psy.D.**

- **RATIFICATION OF APPROVAL OF REAPPLICATION TO SIT FOR EPPP**

Dr. Cox made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0), to ratify the approval of the following applicants to re-take the Examination for Professional Practice in Psychology:

- **Daniel Kruger, Ph.D.**
- **Amy Lerner, Ph.D.**

➤ **RATIFICATION OF LICENSE ISSUED BY CREDENTIAL**

Dr. Cox then made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0), to ratify the issuance of licensure by credential to **Craig Rypma, Ph.D.**, who had met the requirements of A.R.S. § 32-2071.01(B).

Finally, Dr. Cox announced that the following applications remained ongoing:

**Katrina Buwalda, Psy.D.**  
**Rosalia Pereyra-Quiroz, Psy.D.**  
**Scott Quimby, Ph.D.**  
**Kevin Schmucker, Ph.D.**

**20. UPDATE RE: CALCULATION OF TRIMESTER AND SEMESTER HOURS FROM ARGOSY UNIVERSITY**

Mr. Harvey explained that as Dr. Clinton Gardner, President of Argosy University Phoenix, who addressed the Board during Call to the Public earlier had explained, Argosy University had added new language to the face of their transcripts to indicate that courses taken prior to Fall 2002 were for trimester credit hours, while those taken after Fall 2002 were semester credits. The Board also reviewed correspondence from Argosy Education Group in Chicago, indicating that this issue has been resolved for all Argosy University campuses. Board members discussed the issue and asked Dr. Gardener to also have the new transcripts differentiate the trimester and semester credit hours in the cumulative totals at the end of the transcripts. It was the consensus of the Board to accept the fix, and Staff was directed that there was no further need to notify other national organizations of the problem, as the Board had previously requested. Staff would also maintain an ongoing dialogue with Argosy University.

**21. ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Dr. Counts, seconded by Mr. Donaldson, and unanimously carried (5-0), to adjourn the meeting at 6:31 p.m.

**Prepared by:**

**Marcus Harvey**  
**Deputy Director**

**Respectfully submitted,**

**/s/ Joseph C. Donaldson**  
**Secretary**